

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GYPSUM RESOURCES, LLC,

Plaintiff,

vs.

CATHERINE CORTEZ MASTO et al.,

Defendants.

2:05-cv-00583-RCJ-LRL

ORDER

Plaintiff filed suit in 2005 for declaratory and injunctive relief against enforcement of Senate Bill 358 and Clark County Ordinance No. 2914, bringing claims for: (1) federal Equal Protection Clause violations; (2) federal Due Process Clause violations; (3) federal Takings Clause violations; and (4)–(5) violations of Sections 20, 21, and 25 of Article 4 of the Nevada Constitution. The Court dismissed the third claim and the procedural due process component of the second claim. The Court granted summary judgment to Plaintiff on the fourth and fifth claims, granted summary judgment to Defendants on the substantive due process component of the second claim, and denied cross motions for summary judgment on the first claim, setting it for trial. *See generally Gypsum Res., LLC v. Masto*, 672 F. Supp. 2d 1127 (D. Nev. 2009). The Attorney General appealed, the parties stipulated to dismissal of the first claim, and the Court of Appeals certified the fourth and fifth claims to the Nevada Supreme Court. *See generally Gypsum Res., LLC v. Masto*, 671 F.3d 834 (9th Cir. 2011). The Nevada Supreme Court granted certiorari and unanimously confirmed this Court’s rulings in all respects. *See generally Attorney*

1 *Gen. v. Gypsum Res.*, 294 P.3d 404 (Nev. 2013) (en banc). The parties then stipulated to dismiss
2 the appeal, and the Court of Appeals granted an unopposed motion to transfer the consideration
3 of attorney's fees on appeal to this Court. Plaintiff filed a consolidated motion for attorney's
4 fees. The Court granted the parties' joint motion to stay pending approval of a settlement of the
5 fees issue by the Board of Examiners. The parties have now filed a Joint Status Report
6 indicating that the State has paid Plaintiff \$920,000 in settlement of Plaintiff's claims of
7 attorney's fees and costs, obviating the need for the Court to consider the pending motion.

8 **CONCLUSION**

9 IT IS HEREBY ORDERED that the Motion for Attorney's Fees (ECF No. 105) is
10 DENIED as moot.

11 IT IS SO ORDERED.

12 Dated this 17th day of September, 2013.

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16 ROBERT C. JONES
17 United States District Judge
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